

1 assessment of the constitutional claims debatable or wrong." *Slack*
2 *v. McDaniel*, 529 U.S. 473, 484 (2000); see also *James v. Giles*, 221
3 F.3d 1074, 1077-79 (9th Cir. 2000). The Supreme Court further
4 illuminated the standard for issuance of a certificate of
5 appealability in *Miller-El v. Cockrell*, 537 U.S. 322 (2003). The
6 Court stated in that case:

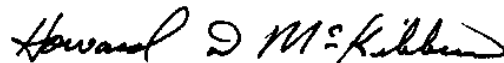
7 We do not require petitioner to prove, before the
8 issuance of a COA, that some jurists would grant the
9 petition for habeas corpus. Indeed, a claim can be
10 debatable even though every jurist of reason might
11 agree, after the COA has been granted and the case
12 has received full consideration, that petitioner
13 will not prevail. As we stated in *Slack*, "[w]here a
district court has rejected the constitutional
claims on the merits, the showing required to
satisfy § 2253(c) is straightforward: The petitioner
must demonstrate that reasonable jurists would find
the district court's assessment of the
constitutional claims debatable or wrong."

14 *Miller-El*, 123 S.Ct. at 1040 (quoting *Slack*, 529 U.S. at 484).

15 The court has considered the issues raised by defendant, with
16 respect to whether they satisfy the standard for issuance of a
17 certificate of appeal, and determines that none meet that standard.
18 The court therefore denies a certificate of appealability with
19 respect to any appeal of the court's denial of defendant's 28
20 U.S.C. § 2255 motion.

21 IT IS SO ORDERED.

22 DATED: This 6th day of January, 2017.

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25 UNITED STATES DISTRICT JUDGE